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09/517,364	03/02/2000	B. Scott Fabre	SLA0153:FCO	5185

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EXAMINER

NARAYANASWAMY, SINDYA

ART UNIT	PAPER NUMBER
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2174

12

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/517,364

Applicant(s)

FABRE, B. SCOTT

Examiner

Sindya Narayanaswamy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/2/2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1 – 24 are presented for examination.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, and 9-17 are rejected under 35 U.S.C 102(b) being unpatentable over Miyazaki.

4. As per claim 1, Miyazaki teaches the step for reducing first copy out times of printed matter, said method comprising the steps of: executing a request to print at least a portion of said printed matter (Fig. 4, Start; col. 4, lines 1-16), generating a uniqueness identifier in a host computer, the uniqueness identifier specifically associated with and for identifying said at least a portion of said printed matter (col. 4, lines 23-27); comparing said uniqueness identifier to a list of uniqueness identifiers stored in memory (col. 4, lines 18-23); printing said at least a portion of said printed matter using data stored in a memory location referenced by said list of uniqueness identifiers if said uniqueness identifier is found in said list of uniqueness identifiers (col. 4, lines 59-65);

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and storing said uniqueness identifier (register character pattern) and a reference to data stored in memory pertaining to said at least a portion of said printed matter in said list of uniqueness identifiers if said uniqueness identifier is not found in said list of uniqueness identifiers (col. 4, lines 28-29; Fig. 4, S5).

5. As per claim 2, it is rejected on the same basis as claim 1.

6. As per claim 3, Miyazaki teaches that the step of printing a “print portion” printing an entire print job (col. 2, lines 54-57).

7. As per claim 9, Miyazaki teaches the method wherein the step of comparing the uniqueness identifier to a list of uniqueness identifiers stored in memory further comprising the step of comparing the uniqueness identifier to a list of uniqueness identifiers stored in memory in a printer (Fig. 4, S5, col. 4, lines 28-29).

8. As per claim 10, Miyazaki teaches the method further comprising the step of transferring the uniqueness identifier from the host computer to the printer (Fig. 4, S12-S13; col. 4, lines 50-54).

9. As per claim 11, Miyazaki teaches the method comprising the step of transferring all or part of said at least a portion of the printed matter from the host computer to the printer if the uniqueness identifier is not found in the list of uniqueness identifiers (Fig. 4, S12-S13; col. 4, lines 50-54).

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10. As per claim 12, Miyazaki teaches the method wherein the step of comparing the “print portion” uniqueness identifier to a list of uniqueness identifiers stored in memory further comprising the step of comparing the uniqueness identifier to a list of uniqueness identifiers stored in memory in a printer (Fig. 4, S5, col. 4, lines 28-29).

11. As per claim 13, Miyazaki teaches the method further comprising the step of transferring the “print portion” uniqueness identifier from the host computer to the printer (Fig. 4, S12-S13; col. 4, lines 50-54).

12. As per claim 14, Miyazaki teaches the method comprising the step of transferring all or part of the “print portion” of the printed matter from the host computer to the printer if the uniqueness identifier is not found in the list of uniqueness identifiers (Fig. 4, S12-S13; col. 4, lines 50-54).

13. As per claims 15, 16, 17, they are similar in scope to claims 12, 13, and 14 and are thus rejected on the same basis.

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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15. Claims 4-7 and 18-20 are rejected under 35 U.S.C 103(a) in view of Miyazaki, US-5,587,800 over Lobiondo, US-5,287,194.

16. As per claim 4, Miyazaki does not explicitly teach the step of printing a portion of an entire print job as the "print portion." However, Lobiondo teaches the step of printing a portion of an entire print job as the "print portion (col. 4, lines 54-65)." It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Miyazaki and Lobiondo's step of printing portions of a job in order to ensure the completion of a print job within an allocated time frame.

17. As per claim 5, Miyazaki substantially teaches the method as claimed comprising the steps of:

(a) said step of generating a "print portion" uniqueness identifier specifically associated with said "print portion" including the step of generating a "print portion" uniqueness identifier 1-N in a host computer, the "print portion" uniqueness identifier 1-N specifically associated with each "print portion" 1-N of said entire print job (col. 4, lines 23-27);

(b) comparing said "print portion" uniqueness identifier 1-N to a list of uniqueness identifiers stored in memory (col. 4, lines 18-23);

(c) printing said "print portion" 1-N using previously rendered data stored in a memory location referenced by said list of uniqueness identifiers if said "print portion"

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uniqueness identifier 1-N is found in said list of uniqueness identifiers (col. 4, lines 59-65); and

(d) storing said "print portion" uniqueness identifier 1-N and a reference to data stored in memory pertaining to said "print portion" 1-N in said list of uniqueness identifiers if said "print portion" uniqueness identifier 1-N is not found in said list of uniqueness identifiers (col. 4, lines 28-29; Fig. 4, S5);

(f) repeating steps (b)-(d) until said entire print job has been printed.

18. Miyazaki does not teach the step of determining whether said entire print job has been printed. However Lobiondo teaches the step of determining whether a print job has been printed (col. 6, lines 41-49). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Miyazaki's teachings with Lobiondo's method of informing the user about job completion in order to optimize the quality of the printing system.

19. As per claim 6, Miyazaki does not teach the method further comprising the step of performing an efficiency check. However, it would have been obvious to one ordinary skill in the art to perform an efficiency check for purposes of insuring quality. However, Lobiondo teaches the step of performing an efficiency check (*scheduler analyzes whether a print job can be efficiently completed, and how to schedule the job*) (Fig. 4, col. 6, lines 22-49). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Miyazaki's teachings with Lobiondo's method of including an efficiency check in order to provide optimal scheduling for printer jobs.

20. As per claim 7, it is rejected on the same basis as claim 6.
21. As per claim 8, it is rejected on the same basis as claims 6 and 7.
22. As per claim 18, Miyazaki teaches the method wherein the step of comparing the “print portion” uniqueness identifier 1-N to a list of uniqueness identifiers stored in memory further comprising the step of comparing the “print portion” uniqueness identifier 1-N to a list of uniqueness identifiers stored in memory in a printer. (Fig. 4, S5, col. 4, lines 28-29).
23. As per claim 19, Miyazaki teaches the method further comprising the step of transferring the “print portion” uniqueness identifier 1-N from the host computer to the printer (Fig. 4, S12-S13; col. 4, lines 50-54).
24. As per claim 20, Miyazaki teaches the method comprising the step of transferring all or part of the “print portion” 1-N from the host computer to the printer if the “print portion” uniqueness identifier 1-N is not found in the list of uniqueness identifiers (Fig. 4, S12-S13; col. 4, lines 50-54).
25. As per claim 21, it is the system claim of claim 1, and is therefore rejected on the same basis.



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26. As per claim 22, it is the system claim of claim 9 and is therefore rejected on the same basis.

27. As per claim 23, it is the system claim of claim 10 and is therefore rejected on the same basis.

28. As per claim 24, it is the system claim of claim 11 and is therefore rejected on the same basis.

***Response To Argument***

29. In the remarks, applicant has argued in substance that:

- (1) The “character pattern” as described by Miyazaki is not a uniqueness identifier.
- (2) The Miyazaki device is incapable of taking advantage of the ability not to transfer data that is already stored.
- (3) It is not obvious to complete a full print job in portions.

30. Examiner respectfully disagrees with Applicant’s arguments and resubmits that

As to point (1), in col. 4, lines 44-56 and Fig. 4, Miyazaki specifically describes that character data is transferred only after a search is completed and the data is not found in storage – thus, only “unique” data and codes are transferred. Additionally, col. 4, line 18-28 explains that it is the “character pattern,” that is uniquely registered in the cache, as a unique identifier. Fig. 4, S11-S13 also

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describe how when a match is not made for a specific pattern, it is uniquely registered.

As to point (2), in col. 4, lines 44-56 or Miyazaki, a detailed explanation is given as to how only data that has not been previously stored is transferred.

As to point (3), the Applicant's response is moot in view of a new grounds for rejection.

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a) US-6,592,275 – Sends output completion notice
- b) US-6,700,678- print job portioning
- c) US-6,567,622-print job portioning
- d) US,6,659662 – print job portioning

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sindya Narayanaswamy whose telephone number is (703) 305-8473. The examiner can normally be reached on 8 am to 5 pm, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sindya Narayanaswamy

March 8, 2004

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